

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In the Matter	:	Chapter 7
	:	Case No. 21-10699 (DSJ)
-of-	:	
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KOSSOFF PLLC,	:	
	:	
	:	
Debtor.	:	
	:	
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**ORDER DESIGNATING MITCHELL H. KOSSOFF
AS THE RESPONSIBLE OFFICER OF THE DEBTOR**

Upon the application (the “Motion”)¹ of Albert Togut, not individually but solely in his capacity as the Chapter 7 Interim Trustee (the “Trustee”) of the estate of Kossoff PLLC, the debtor in the above-captioned case (the “Debtor”), by his proposed attorneys, Togut, Segal & Segal LLP, for an Order pursuant sections 341 and 521 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 9001(5) of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”): (A) designating Mitchell H. Kossoff (“Kossoff”), the only known managing member of the Debtor, as the responsible officer of the Debtor pursuant to Bankruptcy Rule 9001(5)(A) and (B) compelling Kossoff to perform all of the Debtor’s duties including: (1) complying with the Order for Relief, (2) producing the Requested Information to the Trustee, (3) appearing for examination under oath on behalf of the Debtor at the meeting of creditors held pursuant to Bankruptcy Code section 341 (the “Section 341 Meeting”) in this case and any adjournment thereof, and (4) fully cooperating with the Trustee in accordance with Bankruptcy Code section 521; and it appearing that timely compliance with the order and cooperation from Kossoff is necessary for the administration of this estate; and notice of the Motion being appropriate under the circumstances and no other notice being needed; and the Court having considered the Motion and all of the pleadings filed in response thereto; and upon the record of

¹ Capitalized terms that are not defined herein shall have the meanings ascribed to them in the Motion.

the hearing held on June 24, 2021 and all of the prior pleadings and proceedings had herein; and after due deliberation and sufficient cause being shown therefor; it is hereby

ORDERED, that pursuant to Bankruptcy Rule 9001(5), Kossoff is designated as the person responsible for performing the Debtor's duties in this case, without prejudice to the Trustee's right to seek to designate one or more additional individuals as such; and it is further

ORDERED, that counsel for the Trustee and Kossoff shall promptly meet and confer in good faith concerning Kossoff's duties and the identity of the documents Kossoff will produce to the Trustee, including the Requested Information and any and all copies and/or electronic back-up materials of same, and describe which items he will not produce to the Trustee, **or, if Kossoff takes the view that identifying documents he possesses would violate his Fifth Amendment right against self-incrimination, Kossoff shall so state, with as specific reference as possible consistent with his Fifth Amendment privilege concern to the records or types of records at issue;** and it is further [DSJ 6/25/2021]

ORDERED, that no later than July 1, 2021, counsel for the Trustee shall file on the docket for the Chapter 7 Case and submit to Chambers a letter (a) reporting the outcome of the parties' meet and confer discussions and (b) proposing a schedule for supplemental submissions to the Court to address any remaining disputes regarding Kossoff's duties and document production obligations; and it is further

ORDERED, that Kossoff is directed to personally appear for examination under oath on behalf of the Debtor at the Section 341 Meeting in this case and at any adjourned date of such meeting; and it is further

ORDERED, that the Trustee shall serve a copy of this Order upon Kossoff, counsel of record for the Debtor in this case, the Manhattan District Attorney's Office, and the United States Attorney's Office for the Eastern District of New York by regular mail and by email (where known) not later than one (1) business day after the date of entry of this Order; and

it is further

ORDERED, that this order is without prejudice to the Trustee's right to seek other or further documents or information pertaining to the Debtor and its financial affairs from Kossoff or from any other person. ~~and it is further~~ [DSJ 6/25/2021]

~~**ORDERED**, that this Court retains exclusive jurisdiction to hear and determine any and all matters arising from the interpretation and/or implementation of this Order.~~ [DSJ 6/25/2021]

DATED: New York, New York
June 25, 2021

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE